

EAMONN BARNES – a story

Written by Nicholas Cowdery AM QC

Former Director of Public Prosecutions, New South Wales, Australia

Former IAP President, 1999-2005

Chair of the IAP Senate, 2011 to date

Everyone will have stories to tell of our dear departed friend Eamonn Barnes. My wife Joy and I wish to contribute ours. Eamonn was a great source of stories but he also attracted many about himself.

In 1992, Eamonn (then DPP for Ireland since 1975) and I (then a Barrister in private practice in Sydney since 1975 and specialising in crime) were members of the Criminal Law Committee of the International Bar Association. That year Joy and I headed off to the IBA conference in Cannes. I had been in correspondence with Eamonn and others about Criminal Law Committee matters and the committee's program for the conference, but we had not met face to face.

The Irish contingent was headquartered at the Martinez Hotel and we were invited to a reception there. As we walked along the entrance path Eamonn charged forward to greet us, hand extended, and we met for the first time. He was all smiles – and so it remained. We had a very productive and entertaining conference and we spent much time with Eamonn and his wife Do. There in the committee's business program Eamonn and I planted the seeds of later professional developments.

We remained in contact and in 1993 Eamonn was instrumental in my becoming a member of King's Inns (the Irish Bar) at a time of reciprocal admission rights between Ireland and New South Wales. During the individual admission ceremony that had been arranged, presided over by the Chief Justice, Eamonn busied himself in the back of the court taking photographs of the occasion and smiling broadly.

In 1994 I was appointed DPP for New South Wales. While the recruitment process was under way (I was a somewhat reluctant recruit) I wrote often to Eamonn – it was all done by fax in those days – effectively asking if he thought a move from private practice was a good idea. In his rather convoluted and indirect, very "Irish", style, Eamonn (I think) endorsed such a move. I like to think he then shared some responsibility for my taking the position and I certainly thought many times when a knotty problem presented itself: "what would Eamonn do?" He became a mentor and guide – indeed, an inspiration, especially when matters of prosecutorial independence arose.

In 1995 the IAP was formed, largely through Eamonn's drive and determination but with the assistance of other people of vision. He and I had formed an IBA Prosecutors Subcommittee after my appointment as DPP, but it was not enough. A separate international association just for prosecutors was required and I was drafted onto the first Executive Committee.

Unfortunately, I was unable to attend the first Annual Conference in Budapest in 1996, but I sent two prosecutors from my Office. (I have been to every conference since and to 34 out of 44 Executive Committee meetings.) Eamonn had deferred to Maria Hajdu from Hungary (whose prosecutors had played such an important role in the creation of the IAP) and she became the first President. But language difficulties proved too great and after about 8 months, at the Budapest conference, Eamonn became President. I succeeded him in that office three years later.

We were together often, in many different countries – for meetings, conferences, on delegations, on private visits. Suitable libations were always taken and there was one notable session (of very many) in the back bar of Doheny and Nesbitt's in Dublin after which Eamonn, as Joy and I (somewhat the worse for wear) walked uncertainly along the footpath with him, mused laughingly that if we looked

closely, we might find his liver which he thought he might have lost thereabouts on a previous occasion.

We corresponded often, still by fax. Eamonn instructed his secretary, the redoubtable Helen Cullen, that if a fax came from me, it was to be put on the top of the pile. It was always a pleasure to read his letters and to do so was to hear his voice rise from the page. (Much later he was a poor electronic correspondent – but his emails were always worth the wait.)

Through him I met many fine people, prosecutors and others – even his neighbours – all of them fans of Eamonn and excellent company. Eamonn was first and foremost an Irishman and his knowledge of and involvement in Irish affairs, history, culture and people were prodigious.

We were together, with our various family members and in our homes as well, on so many occasions in Dublin, Sydney and everywhere in between. Eamonn's daughters Ruth and Mary Jane lived in Sydney for a time and Ruth's three boys were born here and are little Australians. All the individual stories combine to give a big story – an overall impression – and I am trying to convey a little of that. Others have written their assessments since Eamonn died and those I have seen are spot-on.

For much of the time I knew him Eamonn was, professionally, a prosecuting lawyer and an inspirational DPP for all his colleagues (until he retired in 1999 – but a strong, positive influence even afterwards). The job was always done and done professionally. Occasionally he may have irritated some of the local politicians, media and others, but that goes with the job. Eamonn will be remembered for his warm humanity and genuine concern for the wellbeing of others. He was generous and unselfish and a fiercely committed family man. He drew good people to him and he supported those who were in need.

I am sure that the inspiration for the IAP came from Eamonn's personal qualities – the ideas of collaboration between colleagues, assistance to the struggling, sharing of knowledge and experience, improving society, combining to increase positive impact – and, of course, clothing all of that in fun, in the convivial sharing of time and place.

One tribute from a prosecutor I have seen said: "He was a role model for all of us and one of the world's leading prosecutors. His wise counsel and leadership, his Irish wit and his friendship will be sorely missed." And so they will. And so he will.

Of course, nobody is perfect! Speak to Henk Marquart Scholtz (former IAP Secretary-General) and Barry Hancock (former IAP General Counsel) about the trials of getting firm arrangements out of Eamonn's head and onto paper and into the programs of the fledgling IAP. Formal administrative commitments and official paperwork were not Eamonn's strong suits. But in the end, everything seemed to come together very well. He did it in his own way.

The loss of his beloved wife Do nearly ten years ago was a huge blow to Eamonn. They had been born on the same day and were inseparable soulmates. But in due course the old Eamonn re-emerged and at the Dublin conference of the IAP in 2016 Eamonn was on full show for his 82nd birthday. He had been able, with laser treatment, to do away with his pesky spectacles; but that deprived him of a previously very useful prop.

Life is a lottery, we know. We are all privileged to have known Eamonn and to have benefited from his time with us. His family and friends will rightly grieve, but life will go on and so will our memories in which he will continue to live.